



## Austin City Council MINUTES

MAY 12, 1994 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the presence of all of the Council.

### MINUTES APPROVED

1. Minutes postponed to a future date.

### CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Albert Stowell, to discuss amendment to Noise Ordinance with regard to car sound systems.
3. Ms. Susan Ver Hoef, to discuss Austin Cablevision rate regulation.
4. Mr. Dick Kallerman, to discuss transportation.
5. Ms. Charlene Shillman, to discuss "Council members don't be like the KKK; you can support the Pryor Plan for the Museum of Fine Arts, Austin. Save the taxpayers money and support the Pryor Plan."  
NOT PRESENT.
6. Ms. Portia Watson, to discuss lack of police cooperation concerning noise pollution and prostitution.
7. Mr. Greg Powell, to discuss City issues.
8. Ms. Carol Guthrie, to discuss City issues.
9. Mr. Gary Taylor, to discuss wrongful hazing practices throughout the City Electric Department and wrongful termination for reporting unlawful action on City time and property, and be punished for being the whistleblower.  
NOT PRESENT.
10. Mr. Tony Reid, to present the City A Century in the Works, a book documenting the contributions made by Freese & Nichols to Texas and the nation.
11. Mr. Leonard Lyons, to discuss PIO: an asset or a liability.

### ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve execution of a contract with HI-TECH PUMP & CRANE, INC., Houston, Texas, for the purchase of one (1) 55 foot and one (1) 65 foot aerial tower trucks used in the construction and maintenance of street lighting systems, in an amount not to exceed \$230,356. (Funding was included in the 1993-94 Capital budget of the Electric Utility Department.) Low bid of four (4). No M/WBE Subcontracting opportunities were identified.  
Approved

13. Approve selection of five (5) firms: AUSTIN DESIGN ARCHITECTS, INC. (MBE), Austin, Texas; THE AUSTIN GROUP ARCHITECTS AIA, Austin, Texas; SHEPELMA & NIX/ARCHITECTS, Austin, Texas; JESSEN, INC. (MBE) Austin, Texas; and COFFEE CRIER & SCHENCK, Austin, Texas, for an architectural services rotation list to provide professional services on a variety of small City projects for a period of approximately two (2) years or until available funding is expended in the amount of \$500,000 (estimated amount approximately \$100,000 per firm). (Funding for these services is available in the operating budgets of the various departments needing the services.) Best qualification statements of twenty-five (25). Percentages of M/WBE subcontractor participation cannot be determined at this time because scopes of work are not known.

Item 12 & 13 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

14. Approve an ordinance placing a ban on skateboarding in certain areas. (Mayor Pro Tem Michael "Max" Nofziger)  
POSTPONED UNTIL MAY 19, 1994.
15. Approve rate ordinance for Austin CableVision (ACV) that will establish maximum charges for Basic service, installations and equipment charges; order refunds of payments from September 1, 1993 to the effective date of the ordinance for these services; submit rate ordinances and staff report to the Federal Communications Commission (FCC) to support the City's complaint concerning Standard service rates. (This will result in a reduction of \$35,000 in franchise fee revenue.)  
POSTPONED UNTIL MAY 17, 1994.

#### ORDINANCES

16. Amend Ordinance No. 930915-B, the 1993-94 Capital Budget of the Public Works Department by reallocating \$190,000 in surplus funds from the completed Red River Street Bridge Project to the Dorsett Road Realignment Project (\$60,000), Teri Road Reconstruction Project (\$80,000), and Sixth Street Sidewalk Project (\$50,000).  
[Recommended by the Planning Commission]

Approved Ordinance No. 940512-B and directions to the City Manager to pursue reimbursement of \$50,000.00 for the cleaning and sealing of sidewalk material on East 6th Street from appropriate party or parties on Councilmember Shea's motion, Councilmember Goodman's second, 6-0 vote.

17. Amend Ordinance No. 930915-B, the 1993-94 Capital Budget of the Public Works and Transportation Department by increasing the appropriation and accepting \$108,961 from escrow funds in the Planning and Development Department's Fiscal Surety Fund into the Participation with Developers in Paving Boundary Streets Project for completion of the Balcones Drive Street and Drainage Improvements. (Recommended by the Planning Commission) [Related to Item 18]  
Ordinance No. 940512-A

## RESOLUTIONS

18. Approve a community facilities contract with HORIZON SAVINGS ASSOCIATION, Austin, Texas, for street, drainage, water and wastewater improvements to Balcones Drive between Northland Drive and Hart Lane, in an amount not to exceed \$218,343. (Funding in the amount of \$23,090 was included in the 1991-92 Capital budget of the Water and Wastewater Utility; \$46,960 was included in the 1993-94 Capital budget of the Water and Wastewater Utility; \$148,293 was included in the 1993-94 amended Capital budget of the Public Works and Transportation Department.) (To be reviewed by Water and Wastewater Commission on May 11, 1994) [Related to Item 17] Approved
19. Approve execution of a twelve (12) month supply agreement with VAN WATERS & ROGERS, INC., San Antonio, Texas, for the purchase of approximately 290 tons of sodium hexametaphosphate for the Water and Wastewater Utility's water treatment process, in an amount not to exceed \$282,576 with two (2) twelve (12) month extension options in an amount not to exceed \$282,576 per extension option, for a total amount not to exceed \$847,728. [Funding for an estimated \$117,740 is available in the 1993-94 operating budget of the Water and Wastewater Utility. Funding for the final seven (7) months of the original contract period and the extension options is contingent upon available funding in future budgets.] Low bid of four (4) meeting specifications. No M/WBE Subcontracting opportunities were identified. (Recommended by the Water and Wastewater Commission) Approved
20. Approve execution of a twelve (12) month supply agreement with CHEMICAL DISTRIBUTORS, INC., Alcoa, Texas, for the purchase of approximately 58,860 gallons of liquid sodium bisulfite for use by the Water and Wastewater Utility in the water treatment process, in an amount not to exceed \$49,371.77 with two (2) twelve (12) month extension options, in an amount not to exceed \$49,371.77 per extension, for a total amount not to exceed \$148,115.31. [Funding for an estimated \$20,571.57 is available in the 1993-94 operating budget of the Water and Wastewater Utility; funding for the final seven (7) months of the original contract period and the extension options is contingent upon available funding in future budgets.] Low bid of five (5). No M/WBE Subcontracting opportunities were identified. (Recommended by the Water and Wastewater Commission) Approved
21. Authorize negotiation and execution of an amendment to the Professional Services Agreement with ABBE/GARRETT ENGINEERING, INC., Austin, Texas, for additional Phase III construction management services for the Walnut Creek Wastewater Treatment Plant Dechlorination Improvements, in the amount of \$85,000, for a total contract amount of \$707,208. (Funding was included in the 1991-92 Capital budget of the Water and Wastewater Utility.) .6% MBE, 0% WBE Subcontractor participation. (Recommended by the Water and Wastewater Commission) Approved
22. Approve the issuance of a Letter of Intent and a rebate in the amount of \$55,712.00 to Equity Office Properties, Inc., 98 San Jacinto Blvd., for the installation of high efficiency lighting conversion equipment. (Energy improvements qualifying for this rebate will save an estimated 156.37 kilowatts at

a cost of \$356.28 per kilowatt saved and result in an estimated annual utility savings of \$63,313.63. Funding is available in the 1993-94 operating budget of the Conservation Rebates and Incentives Fund.) [Recommended by the Resource Management Commission]

Approved

23. Approve execution of a twelve (12) month service agreement with ISS SERVISYSTEM, INC., Austin, Texas, for custodial services at twelve (12) City of Austin health centers, in an amount not to exceed \$252,780, with two (2) twelve (12) month extension options in an amount not to exceed \$252,780 per extension, for a total amount not to exceed \$758,340. [Funding in the amount of \$84,260 is available in the 1993-94 operating budget for the Department of Public Works and Transportation; funding for the remaining eight (8) months and the extension options is contingent upon available funding in future budgets.] Low bid of four (4). .006% MBE, 0% WBE Subcontractor participation.

Approved

24. Approve a construction contract award to SUPREME SYSTEMS, INC., Dallas, Texas, for repair and rehabilitation of the roof membrane of the main terminal at Robert Mueller Municipal Airport, in the amount of \$109,650. (Funding was included in the 1993-94 approved Capital budget of the Aviation Department.) Low bid of seven (7). No M/WBE Subcontracting opportunities were identified. (Reviewed by the Aviation Advisory Board)

Approved

Item 17-24 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

25. Approve the selection of BECHTEL CORPORATION, San Francisco, California, and authorize negotiations and execution of a professional services agreement for engineering services for the design of the Airport Security System for the New Austin Airport, in an amount not to exceed \$450,000. (Funding was included in the 1993-94 Capital budget of the Aviation Department. The project is eligible for 75% reimbursement of eligible costs from the Federal Aviation Administration.) Best qualification statement of twelve (12). DBE Participation 32% (12% MBE, 20% WBE). [Reviewed by the Aviation Advisory Board]

POSTPONED UNTIL MAY 19TH, 1994.

26. Approve a construction contract award to K & M ROOFING & SHEET METAL, Pflugerville, Texas, for reroofing the Little Walnut Creek Branch Library located at 835 Rundberg Lane, in the amount of \$49,240. (Funding in the amount of \$47,940 was included in the 1993-94 Capital budget of the Library Department; funding in the amount of \$1,300 was included in the 1993-94 Capital budget of the Environmental and Conservation Services Department.) Low bid of seven (7). 0% MBE, 5.1% WBE Subcontractor participation.

Approved

27. Approve execution of a twelve (12) month supply agreement with GOLDTHWAITE'S OF TEXAS, San Antonio, Texas, for Toro riding mower repair parts, in an amount not to exceed \$65,000, with two (2) twelve (12) month extension options in an amount not to exceed \$65,000 per extension option, for a total amount not to exceed \$195,000. (Funding in the amounts of \$5,416.65 and \$16,250 are available in the 1993-94

operating budgets for Material Management and Parks and Recreation Department; funding in the amounts of \$10,833.35 and \$32,500 for the remaining eight (8) months of the original contract and extension options will be contingent upon available funding in future budgets.) Single bid. No M/WBE Subcontracting opportunities were identified.

Approved

28. Approve execution of a contract with SOUTHWESTERN BELL TELEPHONE COMPANY, Austin, Texas, for the purchase and installation of a remote data circuit upgrade for the Austin Police Department, and a twelve (12) month lease agreement, in an amount not to exceed \$85,071.97, with two (2) twelve (12) month extension options for the lease agreement in an amount not to exceed \$53,185.20 per extension, for a total amount not to exceed \$191,442.37. [Funding in the amount of \$49,615.17 is available in the 1993-94 operating budget of the Police Department; funding for the remaining eight (8) months of the original lease agreement and extension options will be contingent upon available funding in future budgets.] Sole Source. 0% MBE, 1.5% WBE Subcontractor participation.

Approved

29. Authorize negotiation and execution of a contract under the Community Housing Development Organization Program (CHDO) with Austin Habitat for Humanity to increase affordable homeownership opportunities for low-income households, in an amount not to exceed \$245,958. [Funding is available from the Home Investment Partnership Program (Home Year 1 Grant), budgeted in the Special Revenue Fund of the Department of Planning and Development.]

Approved

30. Authorize negotiation and execution of a contract under the Community Housing Development Organization Program (CHDO) with Central Texas Mutual Housing to increase affordable homeownership opportunities for low-income households in an amount not to exceed \$239,000. [Funding is available from the Home Investment Partnership Program Fund (HOME Year 1 and 2 Grants), budgeted in the Special Revenue Fund of the Department of Planning and Development.]

Approved

31. Authorize negotiation and execution of a contract under the Community Housing Development Organization Program (CHDO) with American Institute for Learning to increase affordable homeownership opportunities for low-income households in an amount not to exceed \$276,250. [Funding is available from the Home Investment Partnership Program (HOME Year 1 and 2 Grant), budgeted in the Special Revenue Fund of the Department of Planning and Development.]

Approved

32. Approve an Interlocal Agreement with Austin Community College for implementation of a training program to teach basic construction skills to the underemployed and unemployed in the Austin area, in an amount not to exceed \$34,672. (Funding is available in the 1993-94 operating budget of the Human Resources Department.)

Approved

33. Approve an Interlocal Agreement with the Austin Independent School District for expanded student and teacher training in Healthcare and Construction, in the amount of \$16,000. (Funding is available in the 1993-94 operating budget of the Human Resources Department.)  
Approved

Brackenridge Hospital (Items 34-35)

34. Approve negotiation and execution of a twelve (12) month revenue contract with MAPA, INC., Dallas, Texas, for certification services for uninsured and under-insured patients at Brackenridge Hospital, for an annual estimated revenue to the Hospital of \$4,800,000. (Estimated revenue is included in the 1993-94 operating budget of Brackenridge Hospital.) Best proposal of eight (8). No M/WBE Subcontracting opportunities were identified.

Items 26-34 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

35. Approve negotiation and execution of a six (6) month contract with THE HUNTER GROUP, St. Petersburg, Florida, for management of Brackenridge Hospital, in an estimated amount of \$287,370 with four (4) six (6) month extension options in an estimated amount of \$287,370 per extension, for a total estimated amount of \$1,436,850. (Funding in the amount of \$239,475 is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the remainder of the original contract and extensions is contingent on availability of funding in future budgets.) Best proposal of six (6). No M/WBE Subcontracting opportunities were identified.

Approved on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Garcia out of the room.

36. Approve cancellation of the June 15, 1994 Worksession.  
Approved

37. Set a public hearing to gather citizen input on community needs to be addressed by projects funded under the 20th Year (Fiscal year 1994-95) Community Development Block Grant (CDBG) Entitlement Program. (Suggested date and time: May 26, 1994 at 6:00 p.m.)

Item 36-37 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.

ITEMS FROM COUNCIL

38. Direct the City Manager to consider amending the 1994 medical plan to provide coverage for acupuncture treatments and to consider negotiating new contracts with the HMOs to provide such coverage. (Councilmember Gus Garcia)

Approved Revision "B" on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Reynolds abstaining.

#### 4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

39. C14H-89-0002 - WELLS HOUSE, by City of Austin, 1705 Newton Street. From SF-3 to SF-3-H. Planning Commission Recommendation: To Grant SF-3-H, Family Residence-Historic, zoning based on designation criteria items (1), (7), (8), (9), and (11).  
Ordinance No. 940512-D
40. C14-93-0142 - THE ASSURED GROUP (Don Valk), by Sarah Crocker, 2005 to 2205 S. Pleasant Valley Road. From GR to W/LO. Planning Commission Recommendation: To Deny the request for W/LO, Warehouse limited Office, zoning.  
Applicant amended to MF-4 zoning; referred back to Planning Commission
41. C14-93-0143 - CENTERLINE PROPERTIES (Louis Durrett), East Dessau Road. From I-SF-2 to AV. PLANNING COMMISSION RECOMMENDATION: To Grant AV, Aviation Services, subject to compliance with an integrated pest management program.  
Ordinance No. 940512-E
42. C14r-83-280 - ARBORETUM, by Crow, Gottesman-Shafer #1 and Trammel Crow Company (Terry Bray), 10000 North U.S. Highway 183. Request to amend restrictive covenant and ordinance amendment to the site plan. Planning Commission Recommendation: Approve subject to final review and approval of all staff comments associated with Revision #8 including conditions set forth in the "Summary of Staff Comments" with a 220,000 sq. ft. cap only on Lot 6; the resubdivision of of Lot 2 of the Arboretum at Great Hills for all uses (not just limited to "Retail" as defined by the Land Development Code.)  
Applicant request postponement until May 19, 1994

Item 39-42 approved on Mayor Pro Tem Noziger's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Garcia out of the room.

#### PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

43. 5:00 P.M. - Public hearing to consider the full purpose annexation of the Stenis tract and adjacent property comprising approximately 90 acres of land at Loop 360 and Spicewood Springs Road. (Councilmember Brigid Shea)

Close Public Hearing on Councilmember Shea's motion, Councilmember Reynolds' second, 4-0 vote, Mayor Todd and Councilmember Garcia out of the room.

#### EXECUTIVE SESSION (No Public Discussion on These Items)

Council held executive session 6:55 to 7:45 P.M. for discussion on Items 52.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

44. Discuss Austin Black Contractors Association, Inc. v. City of Austin; Cause No. 94-CA-269-SS, in the United States District Court, Western District of Texas, Austin Division.
45. Discuss Donna Minks v. City of Austin; Civil Action No. A-93-CA-237-SS, in the United States District Court, Western District of Texas, Austin Division.
46. Discuss City of San Antonio, Texas, et al v. Westinghouse Electric Corporation, Cause No. 90-5-00684-C, in the 23rd District Court of Matagorda County, Texas.
47. Discuss Houston Lighting and Power Company v. City of San Antonio, et al, Cause No. 88-923-E, in the 101st District Court of Dallas County, Texas.
48. Discuss The City of Austin v. Houston Lighting and Power Company, Cause No. 94-007946, in the 14th District Court of Harris County, Texas.
49. Discuss Ronald Gorbet v. City of Austin and Alfred Birch Jr., Cause No. 93-01698, in the 331st Judicial District Court of Travis County, Texas.
50. Discuss pending litigation status of Julia Menchaca, et al v. Pool and Rogers Paving Company and City of Austin, Cause No. 92-15620, in the 20th Judicial District court of Travis County, Texas.
51. Discuss pending litigation status of City of Austin v. Transcontinental Insurance Company, Cause No. 94-02833, in the 250th District Court of Travis County, Texas.
52. Discuss pending litigation status of Philip Gutierrez, et al v. Mobil Oil Corporation, et al, Cause No. 92-04989, in the 53rd District Court of Travis County, Texas.

#### ACTION ON THE FOLLOWING

53. Amend Ordinance No. 930915-A, the 1993-94 operating budget by transferring \$100,000 from the Contingency Reserve to the Department of Law to fund outside Counsel services in the Austin Black Contractors Association, Inc., case.  
Approved Ordinance No. 940512-F
54. Approve an amendment to the professional service agreement with the law firm of Mayor, Day, Caldwell & Keeton, L.L.P., to represent the City of Austin in Austin Black Contractors Association, Inc., v. City of Austin, Cause No. 94-CA-269-SS, in the U.S. District Court, Western District of Texas, Austin Division, in the amount of \$100,000, for a total contract not to exceed \$135,000.  
Approved
55. Authorize entering into an agreement with Philip Maxwell to act as the City of Austin's arbitrator in the pending arbitration proceeding, Houston Lighting and Power Company v. City of San Antonio, et al, Cause No. 88-923-E, in the 101st District Court of Dallas County, Texas in an amount not to exceed \$250,000.  
Approved



56. Approve settlement of Ronald Gorbet v. City of Austin and Alfred Birch Jr., Cause No. 93-01698, in the 331st Judicial District Court of Travis County, Texas, in the amount of \$85,000.  
Approved
57. Approve settlement of Julia Menchaca, et al v. Pool and Rogers Paving Company and City of Austin, Cause No. 92-15620, in the 200th Judicial District Court of Travis County, Texas.  
Approved
58. Approve settlement of City of Austin v. Transcontinental Insurance Company, Cause No. 94-02833, in the 250th District Court of Travis County, Texas (No cost to City).  
Approved

Item 53-58 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0-1 vote, Councilmember Reynolds' abstaining.

**ADDENDUM ITEM:**

59. Consider an amendment to the ordinance which ordered the run-off municipal election for June 4, 1994, to amend early voting.

Approve Ordinance No. 940512-C on Councilmember Reynolds' motion, Councilmember Goodman's second, 6-0 vote.

ADJOURN at 6:57 p.m.

Approved on 19th day of May, 1994 on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

